

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
HBC US HOLDINGS LLC,

Plaintiff,

-against-

EVEREST INDEMNITY INSURANCE COMPANY,  
Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 4/6/2023

23 Civ. 2816 (AT)

**ORDER**

Defendant, Everest Indemnity Insurance Company, removed this action, invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. ECF No. 1 ¶ 23. If Plaintiff, HBC US Holdings LLC is, indeed, a limited liability company, as its name would imply, then the notice of removal must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company. The notice of removal attaches Plaintiff's petition, which states that Plaintiff "is a New York corporation duly incorporated with its principal palace [sic] of business in New York." ECF No. 1-1 ¶ 3. By **April 12, 2023**, Defendant shall either confirm whether Plaintiff is a corporation or amend its notice of removal to allege the citizenship of each constituent person or entity. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *Strother v. Harte*, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) ("For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members."); *see also 250 Lake Ave. Assocs., LLC v. Erie Ins. Co.*, 281 F. Supp. 3d 335, 341 (W.D.N.Y. 2017); *Colon v. Nat'l Car Rental*, No. 92 Civ. 8503, 1993 WL 227596, at \*2 (S.D.N.Y. June 21, 1993). If Plaintiff is an LLC and Defendant fails to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the matter will be remanded for lack of subject matter jurisdiction.

SO ORDERED.

Dated: April 6, 2023  
New York, New York



ANALISA TORRES  
United States District Judge